

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN W. RIVERS,</b>	:	<b>CIVIL ACTION NO. 3:20-CV-246</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>BOROUGH OF OLYPHANT,</b>	:	
<b>C.J. MUSTACCHIO, individually</b>	:	
<b>and in his official capacity, and</b>	:	
<b>JAMES DEVOE, individually and</b>	:	
<b>in his official capacity,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 9th day of October, 2020, upon consideration of defendants' motion (Doc. 7) to dismiss plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 7) is GRANTED as set forth in the accompanying memorandum.
2. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice.
3. Plaintiff is granted leave to file a second amended complaint within 21 days of the date of this order in accordance with the accompanying memorandum. In the absence of a timely filed amended complaint, the Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania